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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,839	10/24/2003	William B. Greenwald	3467-72965	9232

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,839	GREENWALD ET AL.	
	Examiner	Art Unit	
	Hanh V. Tran	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>12/6/2006</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 12/7/2006.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-17, and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,948,691 to Brock et al in view of USP 6,796,625 to Lauchner et al.

Brock et al discloses a telescoping slide assembly, such as shown in Fig 14, comprising all the elements recited in the above listed claims including interconnected load-carrying, intermediate, and stationary slides movable relative to one another to extend and retract the load-carrying and intermediate slides relative to the stationary slide, the load-carrying slide being formed to include a keyhole-shaped slot 254, such as shown in Figs 15-17, providing an enlarged-diameter entry and exit portion and a narrow-width post-retainer portion, the keyhole-shaped slot being adapted to receive a

Art Unit: 3637

mounting post 252 coupled to a piece of equipment to be carried on the load-carrying slide, and a post retainer 256 including a base coupled to the load-carrying slide and an arm formed to include a raised portion 263, said arm being coupled to the base to move relative to the load-carrying slide between a slot-opening position lying away from the load-carrying slide to allow movement of the mounting post into the enlarged-diameter entry and exit portion of the keyhole-shaped slot and a slot-closing position receiving the mounting post in the post retainer upon movement of the mounting post from the enlarged-diameter entry and exit portion into the narrow-width post-retainer portion of the keyhole-shaped slot, wherein the arm includes an actuator and a body arranged to interconnect the actuator and the base, the body is formed to include the raised portion 263, and the actuator includes means, facing toward the enlarged-diameter entry and exit portion of the keyhole-shaped slot, for intercepting a mounting post moving into the enlarged-diameter entry and exit portion and bending the body to cause the body to move away from the load-carrying slide so that the mounting post can pass from the enlarged-diameter entry and exit portion of the keyhole-shaped slot into the narrow-width post-retainer portion of the keyhole-shaped slot and the raised portion 263 formed in the body whereupon the actuator moves toward the load-carrying slide under a restoring force applied by the body to block removal of the mounting post from narrow-width post-retainer portion and the raised portion. The only different being that Brock does not disclose the arm of the post retainer formed to include a retention aperture (in instead of a raised portion as disclosed).

Lauchner et al teaches a post retainer element 100/150 comprising a base 115 coupled to a drawer slide, an arm 113 formed to include a retention aperture 114, said arm 113 being coupled to the base 115 to move relative to the drawer slide between an opening position lying away from the drawer slide to allow movement of a mounting post 210 into the retention aperture and a locking position receiving the mounting post 210 in the post retainer; wherein the retention aperture 114 provides a secured engagement between the mounting post 210 and the post retainer. Therefore, it would have been obvious to modify the structure of Brock et al by providing the arm of the post retainer formed to include a retention aperture for the purpose of providing a secured engagement between the mounting post 210 and the post retainer, as taught by Lauchner et al, since both teach alternate conventional drawer slide locking structure, used for the same intended purpose of locking/holding one member relative to another, thereby providing structure as claimed.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brock et al, as modified, as applied to claim 1 above, and further in view of USP 6,588,866 to Cheng.

Brock et al, as modified, discloses all the elements as discussed above except for the slot surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall.

Cheng teaches an alternate idea of mounting a piece of equipment to a slide comprising a telescoping slide assembly having interconnected load-carrying,

Art Unit: 3637

intermediate, and stationary slides movable relative to one another, a generally flat wall of the load-carrying slide being formed to include forward and rearward slots 40, each adapted to receive a mounting post 44, each slot 40 is surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall; wherein the structure of slot 40 allows quick mounting of a piece of equipment to the load-carrying slide without the use of tools. Therefore, it would have been obvious, in view of Cheng, to modify the slot of Block et al, as modified, by providing a slot surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall in order to allow quick mounting of a piece of equipment to the load-carrying slide without the use of tools, as taught by Cheng, since both teach alternate conventional slot structure, used for the same intended purpose of mounting a piece of equipment to a slide, thereby providing structure as claimed.

6. Claims 18-19, 26-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,948,691 to Brock et al in view of USP 6,796,625 to Lauchner et al and USP 6,588,866 to Cheng.

Brock et al discloses a telescoping slide assembly, such as shown in Fig 14, comprising all the elements recited in the above listed claims including interconnected load-carrying, intermediate, and stationary slides movable relative to one another to extend and retract the load-carrying and intermediate slides relative to the stationary slide, the load-carrying slide being formed to include a keyhole-shaped slot 254, such

Art Unit: 3637

as shown in Figs 15-17, providing an enlarged-diameter entry and exit portion and a narrow-width post-retainer portion, the keyhole-shaped slot being adapted to receive a mounting post 252 coupled to a piece of equipment to be carried on the load-carrying slide, and a post retainer 256 including a base coupled to the load-carrying slide and an arm formed to include a raised portion 263, said arm being coupled to the base to move relative to the load-carrying slide between a slot-opening position lying away from the load-carrying slide to allow movement of the mounting post into the enlarged-diameter entry and exit portion of the keyhole-shaped slot and a slot-closing position receiving the mounting post in the post retainer upon movement of the mounting post from the enlarged-diameter entry and exit portion into the narrow-width post-retainer portion of the keyhole-shaped slot, wherein the arm includes an actuator and a body arranged to interconnect the actuator and the base, the body is formed to include the raised portion, and the actuator includes means, facing toward the enlarged-diameter entry and exit portion of the keyhole-shaped slot, for intercepting a mounting post moving into the enlarged-diameter entry and exit portion and bending the body to cause the body to move away from the load-carrying slide so that the mounting post can pass from the enlarged-diameter entry and exit portion of the keyhole-shaped slot into the narrow-width post-retainer portion of the keyhole-shaped slot and the raised portion formed in the body whereupon the actuator moves toward the load-carrying slide under a restoring force applied by the body to block removal of the mounting post from narrow-width post-retainer portion and the post retainer. The differences being that Brock et al does not disclose (1) the arm of the post retainer formed to include a retention aperture

Art Unit: 3637

(in instead of a raised portion as disclosed), and (2) the slot surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall.

In regard to (1) the arm of the post retainer formed to include a retention aperture (in instead of a raised portion as disclosed), Lauchner et al teaches a post retainer element 100/150 comprising a base 115 coupled to a drawer slide, an arm 113 formed to include a retention aperture 114, said arm 113 being coupled to the base 115 to move relative to the drawer slide between an opening position lying away from the drawer slide to allow movement of a mounting post 210 into the retention aperture and a locking position receiving the mounting post 210 in the post retainer; wherein the retention aperture 114 provides a secured engagement between the mounting post 210 and the post retainer. Therefore, it would have been obvious to modify the structure of Brock et al by providing the arm of the post retainer formed to include a retention aperture for the purpose of providing a secured engagement between the mounting post 210 and the post retainer, as taught by Lauchner et al, since both teach alternate conventional drawer slide locking structure, used for the same intended purpose of locking/holding one member relative to another, thereby providing structure as claimed.

In regard to (2) the slot surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall, Cheng teaches an alternate idea of mounting a piece of equipment to a slide comprising a telescoping slide assembly having interconnected load-carrying, intermediate, and stationary slides

Art Unit: 3637

movable relative to one another, a generally flat wall of the load-carrying slide being formed to include forward and rearward slots 40, each adapted to receive a mounting post 44, each slot 40 is surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall; wherein the structure of slot 40 allows quick mounting of a piece of equipment to the load-carrying slide without the use of tools. Therefore, it would have been obvious, in view of Cheng, to modify the slot of Block et al by providing a slot surrounded in the plane of the wall by the generally flat wall of the load-carrying slide to permit the post only to enter the slot by moving generally perpendicular to the plane of the generally flat wall in order to allow quick mounting of a piece of equipment to the load-carrying slide without the use of tools, as taught by Cheng, since both teach alternate conventional slot structure, used for the same intended purpose of mounting a piece of equipment to a slide, thereby providing structure as claimed.

7. Claims 24-25, and 28-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brock et al, as modified, as applied to claims 18 and 26 above, and further in view of USP 3,133,768 to Klakovich.

Brock et al, as modified, discloses all the elements as discussed above except for a slide retainer coupled to the load-carrying slide to lie in spaced-apart relation to the post retainer and configured to engage a retraction stop included in the intermediate slide to block movement of the load-carrying slide relative to the intermediate slide from a fully extended position toward a retracted position within the intermediate slide,

Art Unit: 3637

wherein the slide retainer includes a base coupled to the load-carrying slide, a movable arm cantilevered to the base, and a button appended to a distal portion of the movable arm and arranged to extend into a button retention aperture formed in the intermediate slide and bordered by the retraction stop during movement of the load-carrying slide relative to the intermediate slide.

Klakovich teaches the idea of providing a slide assembly with a slide retainer 50 coupled to the load-carrying slide 27 to lie in spaced-apart relation to a post retainer and configured to engage a retraction stop 53 included in the intermediate slide 26 to block movement of the load-carrying slide relative to the intermediate slide from a fully extended position toward a retracted position within the intermediate slide, wherein the slide retainer 50, such as shown in Fig 8, includes a base coupled to the load-carrying slide, a movable arm cantilevered to the base, and a button appended to a distal portion of the movable arm and arranged to extend into a button retention aperture formed in the intermediate slide and bordered by the retraction stop during movement of the load-carrying slide relative to the intermediate slide; wherein the slide retainer and retraction stop combination prevents inadvertent movement of the slides relative to each other in the extended position. Therefore, it would have been obvious to modify the structure of Brock et al, as modified, by providing a slide retainer coupled to the load-carrying slide to lie in spaced-apart relation to the post retainer and configured to engage a retraction stop included in the intermediate slide to block movement of the load-carrying slide relative to the intermediate slide from a fully extended position toward a retracted position within the intermediate slide, wherein the slide retainer includes a base coupled

Art Unit: 3637

to the load-carrying slide, a movable arm cantilevered to the base, and a button appended to a distal portion of the movable arm and arranged to extend into a button retention aperture formed in the intermediate slide and bordered by the retraction stop during movement of the load-carrying slide relative to the intermediate slide in order to prevent inadvertent movement of the slides relative to each other in the extended position, as taught by Klakovich, since both teach alternate conventional slide assembly structure, used for the same intended purpose, thereby providing structure as claimed.

Response to Arguments

8. Applicant's arguments filed 12/7/2006 have been fully considered but they are not persuasive.

9. In response to applicant's argument on page 9 regarding the mounting post as recited in independent claim 1, it is noted that the features upon which applicant relies (i.e., the mounting post) are not positively recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. In response to applicant's argument that the proposed modification of Brock is not operable because the head portion 255 of Brock would not enter into or extend through the hole and there would be no locking of the head by the hole, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

Art Unit: 3637

test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
March 2, 2007

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai